

REMARKS

Claim Objections

Claims 102-118 are objected to under 37 CFR 1.126 as being misnumbered. Applicants respectfully acknowledge the examiner's renumbering of claims 102-118 to 97-113. The amendments are directed to the renumbered claims.

Claim 83 is objected to because of a typographical error in that the lines split at 5 and 0. Claim 83 has been amended and is in condition for allowance.

Claims 47-49, 53, 54, 64, 65, 71, 72, 83-88, 94-100 and 102-113 are objected to as being dependent upon a rejected base claim. The claims have been amended and are believed to be in condition for allowance. Claim 104 has been canceled.

Claim Rejections - 35 USC 112

Claims 73-80 are rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards the invention. The examiner states that claims 73, 74, 77 and 78 teach "said third quantity" for which there is no antecedent basis. The claims have been amended and are believed to be in condition for allowance.

Claim Rejections - 35 USC §102

Conner (U.S. Patent No. 6,131,661)

Claims 1-37 and 57-62 are rejected under 35 USC §102(b) as being anticipated by Conner (U.S. Patent No. 6,131,661).

Response

Claims 1, 5-6, 13-17, 21, 27, 32, 37, 57, and 60 have been canceled. In order to establish a case of *prima facie* anticipation of claims 2-4, 7-12, 18-20, 22-26, 28-31, 33-36, 58-59, and 61-62, the examiner must establish that a prior art reference discloses every limitation of the claimed invention either explicitly or inherently. *Atlas Powder Co. v. Ireco Inc.*, 190 F.3d 1342, 1346, 51 USPQ2d 1943, 1945 (Fed. Cir. 1999). Amended claim 2 reads:

A high fluid loss spotting pill comprising:

a carrier fluid;

a first quantity of weighting agent;

a second quantity of suspending agent effective to suspend said weighting agent;

an LCM consisting essentially of:

a third quantity of **acid soluble mineral fiber**; and;

an amount of **acid soluble mineral particulate** wherein said particulate is a combination of **granular form and flake form**;

said third quantity, said amount and said form being adapted to form a substantially impermeable, acid soluble filtercake upon injection of said composition with said carrier fluid into said wellbore and defluidization.

(emphasis added). Amended claim 58 reads:

A high fluid loss spotting pill comprising:

a carrier fluid;

a first quantity of weighting agent adapted to produce a density substantially the same as the density of a drilling fluid used to drill a formation being treated;

a second quantity of suspending agent effective to suspend said weighting agent in said carrier fluid;

an amount of **LCM** consisting essentially of calcium carbonate particulate wherein said

calcium carbonate particulate comprises granular form and flake form;

said quantity, said amount, and said form being adapted to form a substantially impermeable, acid soluble filtercake upon injection of said composition with an effective carrier fluid into said wellbore and defluidization.

(emphasis added).

Conner teaches a “filtercake-forming fluid” wherein the filtercake “can be formed with **polymers** that encapsulate particles or solids which form a bridge over the pores of the formation.” *See* Col. 4, ll. 19, 29-31. Conner teaches that according to the filtercake removal method of the invention “a filtercake is formed with an oxidation-degradable component, preferably a polymer,” wherein “[o]xidizing agents . . . attack and decompose the oxidation-degradable component.” *See* col. 5, ll. 2-6. The examiner has not pointed to a teaching or suggestion in the Conner patent of a high fluid loss spotting pill comprising:

an **LCM consisting essentially of:**

a third quantity of **acid soluble mineral fiber**; and;
an amount of **acid soluble mineral particulate** wherein said particulate is a combination of **granular form and flake form**,

as described in claim 2. Nor has the examiner pointed to a teaching or suggestion in the Conner patent of a high fluid loss spotting pill comprising:

an amount of **LCM consisting essentially of** calcium carbonate particulate wherein said **calcium carbonate particulate comprises granular form and flake form**,

said quantity, said amount, and said form being adapted to form a substantially impermeable, **acid soluble filtercake** upon injection of said composition with an effective carrier fluid into said wellbore and defluidization,

as described in claim 58. Thus, the examiner has not established that the Conner patent discloses every limitation of the claimed invention either explicitly or inherently. *Atlas Powder Co. v. Ireco Inc.*, 51 USPQ2d at 1945 (Fed. Cir. 1999). Applicants respectfully request that the examiner withdraw the rejection of claims 2-4, 7-12, 18-20, 22-26, 28-31, 33-36, 58-59, and 61-62 under 35 U.S.C. §102(b).

Brothers et al (U.S. Patent No. 6,561,273)

Claims 1-15, 18-20, 24-26, 29-31, 34-36, 57, 60, 89-93 and 101 are rejected under 35 USC 102(e) as being anticipated by Brothers et al (U.S. Patent No. 6,561,273).

Response

Claim 101 has been canceled. Brothers teaches “oil based compositions for temporarily sealing subterranean zones.” Col. 1, ll. 55-56. The compositions of Brothers “are basically comprised of oil, a hydratable polymer, an organophilic clay, a water-swellable clay, and an acid soluble material.” Col. 1, ll. 55-61. Brothers teaches that the acid soluble material is “**200 mesh calcium carbonate**.” Col. 7, ll. 19-20. The examiner has not pointed to a teaching or suggestion in the Brothers patent of a high fluid loss spotting pill comprising:

an LCM consisting essentially of:

a third quantity of **acid soluble mineral fiber**; and;
an amount of **acid soluble mineral particulate** wherein said particulate is
a combination of **granular form and flake form**;

as described in claim 2. Nor has the examiner pointed to a teaching or suggestion in the Brothers patent of a high fluid loss spotting pill comprising “**an LCM consisting essentially of an amount and form of acid soluble mineral particulate comprising granular form and flake form**,” as

described in claim 89. Thus, the examiner has not established that the Brothers patent discloses every limitation of the claimed invention either explicitly or inherently. *Atlas Powder Co. v. Ireco Inc.*, 51 USPQ2d at 1945 (Fed. Cir. 1999). Applicants respectfully request that the examiner withdraw the rejection of claims 2-4, 7-12, 18-20, 24-26, 29-31, and 34-36 under 35 U.S.C. §102(e).

Maberry (US 2003/0029616 A1)

Claims 1-15, 18-20, 24-26, 29-31, 34-36, 57 and 60 are rejected under 35 USC 102(e) as being anticipated by Maberry (US 2003/0029616 A1).

Response

Maberry teaches a plugging fluid consisting of “an emulsion comprising a dispersed aqueous phase containing an aqueous base, and a continuous hydrophobic phase containing a hydroxyethylcellulose derivative graft polymer, a surfactant and a crosslinking activator of the hydroxyethylcellulose polymer.” See Paragraph 0010. In addition, the plugging fluid may also comprise “conventional lost circulation material such as nut plug, **fibers, calcium carbonate, mica** etc. If the plugging fluid is subjected to pass through the drill bit, then the lost circulation materials must be of **fine or medium** grade depending on the size of the jets at the bit.” See Paragraph 0024. The examiner has not pointed to a teaching or suggestion in the Maberry patent of a high fluid loss spotting pill comprising:

an **LCM consisting essentially of:**

a third quantity of **acid soluble mineral fiber**; and;
an amount of **acid soluble mineral particulate** wherein said particulate is a combination of **granular form and flake form**,

as described in claim 2. Thus, the examiner has not established that Maberry discloses every limitation of the claimed invention either explicitly or inherently. *Atlas Powder Co. v. Ireco Inc.*,

51 USPQ2d at 1945 (Fed. Cir. 1999). Claims 2-4, 7-12, 18-20, 24-26, 29-31, and 34-36 are in condition for allowance.

Manulik (U.S. Patent No. 5,353,874)

Claim 1 is rejected under 35 USC 102(b) as being anticipated by Manulik (U.S. Patent No. 5,353,874). Claim 1 has been canceled.

Corley (U.S. Patent No. 4,422,948)

Claim 1 is rejected under 35 USC 102(b) as being anticipated by Corley (U.S. Patent No. 4,422,948). Claim 1 has been canceled.

Claim Rejections - 35 USC 103

Claims 1-15, 18-20, 24-26, 29-31, 34-36, 38-46, 50-52, 55-57, 60, 63, 66-70, 73, 74, 81 and 82 are rejected under 35 USC 103(a) as being anticipated over Corley (U.S. Patent No. 4,422,948). The examiner contends that it would be obvious to one of ordinary skill in the art to use weighting agents within the fluids of Corley, particularly in view of the teachings of Corley that well known additives may be used in the muds.

Response

Claims 1, 5-6, 13-17, 38, 57, 60, 63, and 66 have been canceled. "To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references." *Ex parte Clapp*, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985). The examiner has not pointed to a teaching or suggestion in the Corley patent of all the limitations of independent claim 2, which includes the following limitations:

an **LCM consisting essentially of:**

a third quantity of **acid soluble mineral fiber**; and;

an amount of **acid soluble mineral particulate** wherein said particulate is a combination of **granular form and flake form**;

said third quantity, said amount and said form being adapted to form a substantially impermeable, acid soluble filtercake upon injection of said composition with said carrier fluid into said wellbore and defluidization.

(emphasis added).

The Corley patent teaches a lost circulation material comprising “a specific type of flakes mixed in a definite ratio with fibers and rigid particles. Shredded or chopped paper serves as an excellent flexible flake material, and is preferred. Mineral, or rock, wool services as the fibrous material and calcium carbonate (CaCO₃) functions well as the rigid particle component.”

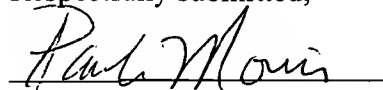
Corley, col. 2, ll. 24-29.

The examiner has not pointed to a teaching or suggestion in Corley to use flakes of an “acid soluble mineral particulate” in his lost circulation material, rather than flakes of “shredded or chopped paper.” Nor has the examiner pointed to a teaching or suggestion in any other reference that would motivate Corley to use flakes of an “acid soluble mineral particulate” in his LCM. The examiner therefore has not established a case of *prima facie* obviousness of the rejected claims over the Corley patent. MPEP 2143.01; *In re Brouwer*, 37 U.S.P.Q.2d 1663, 1666 (Fed. Cir. 1995).

CONCLUSION

For all of the foregoing reasons, Applicant respectfully requests reconsideration and allowance of all of the pending claims.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Paula Morris", is written over a horizontal line.

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